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2  
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
4 **OF THE STATE OF WASHINGTON**

5 IN RE COMPLIANCE  
6 WITH RCW 42.17

7 MICHELE YAPP

8 Respondent.  
\_\_\_\_\_

) PDC CASE NO.: 03-465  
)  
)

) **FINAL ORDER IMPOSING FINE**  
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9 **INTRODUCTION**

10 The Washington State Public Disclosure Commission (Commission) conducted an  
11 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on  
12 September 3, 2003 with respect to the above-encaptioned matter. The Commission held the  
13 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,  
14 Washington. The Commission held the hearing to determine whether the Respondent  
15 violated RCW 42.17.240 by failing to file a Statement of Financial Affairs by April 15,  
16 2003. The Staff appeared through Philip E. Stutzman, Director of Compliance. The  
17 Respondent addressed the Commission by telephone.

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19 During the hearing, the Staff presented, for the Commission's consideration, the  
20 Notice of Administrative Charges issued August 22, 2003, which alleged a violation of  
21 RCW 42.17.240, and its exhibits, which included: 1) List of officials received from the  
22 Respondent's jurisdiction demonstrating that the Respondent was required to file the F-1  
23 report in 2003; 2) May 7, 2003 Warning Letter reminding the Respondent to file the  
24 missing F-1 report; 3) May 23, 2003 Brief Enforcement Hearing Notice; 4) June 5, 2003  
25 Cancellation of Brief Enforcement Hearing; 5) letter in mitigation from the Respondent;  
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1 and 6) the Respondent's signature card, received May 28, 2003, for electronic filing of the  
2 Financial Affairs Statement.

3 The Commission considered the Notice of Administrative Charges and its  
4 incorporated exhibits. The Notice of Administrative Charges and exhibits are incorporated  
5 by reference into this Order. The Commission heard oral argument by Staff. The  
6 Respondent testified, and stated that after attempting unsuccessfully to electronically file  
7 the F-1A short form, she mailed a paper copy of the F-1A to the PDC, together with her  
8 electronic filing signature card, on May 17, 2003. She stated that after receiving the  
9 hearing notice mailed by the PDC on May 23, 2003, she sent a copy of her F-1A and  
10 signature card on May 28, 2003. She stated that she could not explain the fact that the F-1A  
11 and signature card allegedly mailed by her on May 17, 2003, were not received by the PDC.  
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13 Based on this record, the Commission finds that:  
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- 15 1. RCW 42.17.240 requires elected and appointed officials, after January 1<sup>st</sup> and before  
16 April 15<sup>th</sup> of each year, to file with the commission a Statement of Financial Affairs for  
17 the preceding calendar year.
- 18 2. The Respondent is a Regent of the University of Washington who held office during  
19 2002 and was required to file a Statement of Financial Affairs (PDC form F-1) by April  
20 15, 2003.
- 21 3. The Respondent was reminded by letter on May 7, 2003 to file the missing F-1 report.  
22 The Respondent was notified on May 23, 2003 that she was scheduled for a brief  
23 enforcement hearing on June 12, 2003. The Respondent was notified on June 5, 2003,  
24 that the brief enforcement hearing had been canceled because, according to a penalty  
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1 schedule previously adopted by the Commission, the number of past violations made  
2 her case not eligible for a brief enforcement hearing.

3 4. The Respondent's F-1A report was received May 28, 2003.  
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6 **ORDER**

7 Based on the record submitted in this matter, the Commission orders as follows:

- 8 1. That the Respondent committed a single violation of RCW 42.17.240;  
9 2. That a total civil penalty of \$500.00 is assessed against the Respondent;  
10 3. That \$250 is suspended on the condition the Respondent commits no further violations  
11 of RCW 42.17 for a period of one year from the date of the order.  
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14 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

15 Any party may ask the Commission to reconsider this final order. Parties must  
16 place their requests for reconsideration in writing, include the specific grounds or reasons  
17 for the request, and deliver the request to the Public Disclosure Commission Office within  
18 **TEN (10) days** of the date that the Commission serves this order upon the party. Pursuant  
19 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the  
20 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the  
21 Commission does not either dispose of the petition or serve the parties with written notice  
22 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the  
23 Respondent is not required to ask the Public Disclosure Commission to reconsider the final  
24 order before seeking judicial review by a superior court.  
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1                                    **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

2            Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
3 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
4 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
5 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
6 County or the petitioner's county of residence or principal place of business. The petition  
7 for judicial review must be served on the Public Disclosure Commission and any other  
8 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
9 order on the parties.  
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11            If reconsideration is properly sought, the petition for judicial review must be served  
12 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
13 Commission acts on the petition for reconsideration.  
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15                                    **ENFORCEMENT OF FINAL ORDERS**

16            The Commission will seek to enforce this final order in superior court under RCW  
17 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
18 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
19 will be taken without further order by the Commission.  
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21            DATED THIS 26<sup>th</sup> day of September, 2003.

22            FOR THE COMMISSION:

23            /s/

24            \_\_\_\_\_  
25            VICKI RIPPIE, Executive Director  
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